

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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Case No.	2:16-cv-02287-CAS(PLAx)	Date	June 21, 2016
Title	THE WIMBLEDON FUND, SPC (CLASS TT) V. DAVID BERGSTEIN, ET AL.		

Present: The Honorable		CHRISTINA A. SNYDER	
Catherine Jeang	Not Present		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not Present		Not Present	

Proceedings: (IN CHAMBERS) - DEFENDANT JEROME SWARTZ’S MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT FOR LACK OF PERSONAL JURISDICTION, IMPROPER VENUE, AND FAILURE TO STATE A CLAIM (Dkt. 82, filed May 20, 2016)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of June 27, 2016, is hereby vacated, and the matter is hereby taken under submission.

The Court is in receipt of defendant Jerome Swartz’s (“Swartz”) motion to dismiss plaintiff’s first amended complaint for lack of personal jurisdiction, improper venue, and failure to state a claim. Dkt. 82. Swartz represents that, prior to the transfer of this action from the United States District Court for the Southern District of Texas, this motion was filed and fully briefed. *Id.* at 2. Swartz has now lodged copies of the all of the papers previously filed in support of and in opposition to the motion and requests that the Court rule on the motion. *Id.* However, the motion and briefing submitted by the parties addresses whether personal jurisdiction and venue are appropriate in the Southern District of Texas, not the Central District of California, where this action is now pending. Accordingly, the Court **DENIES AS MOOT** the instant motion to the extent it challenges jurisdiction and venue in the Southern District of Texas. Moreover, in light of the fact that the Court denies Swartz’s motion to dismiss on grounds of lack of jurisdiction and improper venue, the Court declines to reach the portions of the motion asserting that plaintiff has failed to state a claim for relief. Finally, the Court notes that its denial of the instant motion is without prejudice to the filing of a new motion

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challenging jurisdiction and venue in the Central District of California and whether plaintiff has adequately stated a claim for relief.¹

IT IS SO ORDERED.

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Initials of Preparer	CMJ		

¹ The Court finds this motion appropriate for decision without oral argument. See Fed. R. Civ. P. 78; C.D. Cal. Local Rule 7-15. Accordingly, the hearing date of June 27, 2016, is vacated, and the matter is hereby taken under submission.